IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.65 OF 1996

The Commissioner of Income-tax,
Bombay City - V .. Applicant.
V/s.
Bayer (India) Ltd. .. Respondent.

Mr.R.V. Desai, senior counsel with Mr.A.S. Rao for the applicant.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 7TH MARCH, 2005.

P.C. :

1. Heard learned counsel for the applicant. In the above the following question is referred :

> Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the assessee is entitled to deduction of the entire amount of the initial contribution to the superannuation fund ?

2. The learned counsel for the applicant fairly states that the issue is squarely covered by the judgment of the Supreme Court in the case of **CIT V/s. Sirpur Paper Mills (237 ITR 41).**

3. In view thereof, the question is answered in the affirmative in favour of the assessee and against revenue.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)